

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

Michael C. Lyon
c/o Michael E. Reardon Co LPA
PO Box 675
Berea, Ohio 44017

Plaintiff,

vs.

American Recovery Service, Inc.
c/o CT Corporation System
818 West Seventh Avenue
Los Angeles, CA 90017

Defendant.

Case No.

Judge

Magistrate Judge

COMPLAINT FOR MONEY DAMAGES AND
OTHER RELIEF

JURY DEMAND ENDORSED HEREIN

Now comes Plaintiff Michael C. Lyon, by and through counsel, to state for his Complaint as follows:

Introduction

1. This is an action for actual and statutory damages brought by an individual consumer for Defendant's violations of the Fair Debt Collections Practices Act, 15 U.S.C.A. §§ 1692 et seq. (hereinafter "FDCPA), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

Parties

2. Plaintiff Michael C. Lyon is a natural person residing in Avon Lake, Lorain County, Ohio.
3. Defendant American Recovery Service, Inc. is an Illinois corporation engaged in business in the State of California.
4. Defendant American Recovery Service, Inc., upon information and belief regularly attempts to collect debts alleged to be owed or due or asserted to be owed or due another
5. At all times relevant to this transaction, Defendant American Recovery Service, Inc. was and is a debt collector within the meaning of 15 U.S.C.A. § 1692a(5).

Factual Allegations

6. On April 4, 2011, Defendant through its employee or agent contacted Plaintiff in writing and alleged in writing that there was a “CURRENT JUDGMENT BAL DUE” from Plaintiff to American Express the sum of \$63,619.65 ARISING OUT OF Cuyahoga County Common Pleas Court case CV 09 681987. See Exhibit A.
7. Plaintiff, through counsel, explained in writing on April 11, 2011 at 3:38 pm EST by facsimile transmission that in fact there was no such judgment, as the finding by the Cuyahoga County Court of Common Pleas was in fact in favor of the Plaintiff in the underlying suit. See Exhibit B.
8. The finding was not appealed by either party, and became an adjudication on the merits as a matter of law.
9. Defendant, despite having been provided with a copy of the actual court finding, on October 19, 2011 still insists that there is in fact a “court-ordered judgment” against Plaintiff in favor of American Express in the sum of \$63,619.55 and attempts to collect payment on the alleged debt. See Exhibit C.
10. On November 18, 2013 Defendant through its employee or agent once again contacted Plaintiff by telephone alleging that there was a civil judgment rendered against him personally.

Cause of Action

11. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs 1 through 7 as though fully rewritten herein.
12. Defendant has violated the FDCPA multiple times. Defendants violations include, but are not limited to, the following:
 - a. Defendant violated 15 U.S.C.A. § 1692(e) by falsely representing the character or legal status of an alleged debt.
 - b. Defendant violated 15 U.S.C.A. § 1692(f) by failing to validate the alleged debt.
 - c. Defendant violated 15 U.S.C.A. § 1692(b) by communicating directly with the Plaintiff after having actual knowledge that the Plaintiff is represented by counsel.
13. As a result of each such violation of the FDCPA, Defendant is liable to the Plaintiff in the sum of Plaintiffs actual damages in excess of \$25,000.00; statutory damages in

the amount of at least \$1,000.00; the costs expended herein and reasonable attorney fees.

Wherefore, Plaintiff respectfully prays that this Court:

Assume jurisdiction of this case;

Grant Lyon judgment on all of his claims;

Grant Lyon the maximum damages he can seek under each Count, including the maximum statutory damages available under each claim where statutory damages are available, and the maximum economic and non-economic damages available, including actual, emotional, general, punitive and other damages;

Award Lyon the costs of this litigation, including filing fees and costs;

Award Lyon his attorney's fees, with appropriate multiplier;

Respectfully submitted,

/s/ Michael E. Reardon
Michael E. Reardon (0062389)
Michael E. Reardon Co., L.P.A.
PO Box 675
Berea, Ohio 44017
Telephone: (440) 239-1109
Facsimile: (440) 234-7073

mreardonecf@msn.com

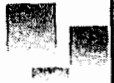
Counsel for Plaintiff
MICHAEL C. LYON

JURY TRIAL DEMAND

Michael C. Lyon respectfully requests a jury trial on all triable issues.

Respectfully submitted,

/s/ Michael E. Reardon
Michael E. Reardon



ARSI

AMERICAN RECOVERY SERVICE INCORPORATED

April 4, 2011

LYON, MICHAEL
1480 W BAGLEY RD 5
BEREA OH 44017-2951

ACCOUNT NUMBER : 11062774
CURRENT JUDGMENT BAL DUE: \$63,619.65
REFERENCE NUMBER : 1008
CASE NUMBER : CV 09 681987

RE: Collection of Judgment Against You Arising Out of Your Account with American Express

This account, which is now a judgment against you has been assigned to our office for collection. We are mailing this notice to you in advance of any further activity by this office so that you may have opportunity to resolve this matter in full.

This notice has been sent by a collection agency. This is an attempt to collect a debt, any information obtained will be used for that purpose. Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt to be valid. If you notify this office in writing within 30 days after receiving this notice that you dispute the validity of this debt or any portion of it, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor if different from the current creditor.

You may contact our office at 888-395-2774.

Sincerely,

David Torres
Unit Manager

ILJDG

A

"NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION."

CORPORATE HEADQUARTERS
555 St. Charles Drive, Suite 100
Thousand Oaks, California 91360
Phone: 805.379.8500
Fax: 805.379.8530



MICHAEL E. REARDON CO., LPA

April 11, 2011

Mr. David Torres
ARSI

Via fax only 805-379-8530

Re: Michael Lyon
Account: 11062774

Dear Mr. Torres:

Michael Lyon forwarded me your letter of April 4, 2011 which I read with great amusement. The fact that your letter indicates that there is a judgment against my client is patently false and is in fact a violation of the Fair Debt Collection Practices Act. Enclosed is the actual finding of the arbitration panel which heard the case. There is no judgment against Mr. Lyon and any further attempts to collect this debt under this false pretense will result in an action being filed against your company and any persons who participate in the endeavor.

If your company is reporting this to any credit reporting agency I demand that it cease and desist immediately, and that any false report be redacted immediately.

Sincerely,

Michael E. Reardon

MER/jd

Enc.

B

CUYAHOGA COUNTY COMMON PLEAS COURT

American Express TravelRelated Services

VERSUS

Michael LyonArbitration No. 76463Case No. CV-09-681987ARBITRATIONREPORT AND AWARD OF ARBITRATORS

NOW, THIS 7th DAY OF June, 20 10, THE UNDERSIGNED, HAVING BEEN NAMED ARBITRATORS IN THE ABOVE CAUSE, DO HEREBY CERTIFY THAT WE HAVE HEARD THE EVIDENCE AND ALLEGATIONS OF THE PARTIES, AND HAVE JUSTLY AND EQUITABLY TRIED ALL THE MATTERS IN DISPUTE WHICH HAVE BEEN SUBMITTED TO US, AND HAVE DETERMINED THE MATTERS IN CONTROVERSY, AND DO THEREFORE MAKE THE FOLLOWING AWARD:

We find for the Defendant, Michael Lyon, on Plaintiff's Complaint.
Costs to be paid by Plaintiff.

Hearing was held June 7, 20 10 at The Justice Center

HEARING ADDRESS OR PLACE

* James M. Johnson Chair

1600 Illuminating Bldg., 55 Public Square
 Address Cleveland, OH 44113

* J. Charles Ruiz-Bueno Arbitrator

36130 Ridge Road, Willoughby, OH
 Address 44094

* James F. Seabrey Arbitrator

17732 Ash Dr Strongsville, OH 44149
 Address

COPIES OF THE ABOVE REPORT AND AWARD WERE MAILED TO PARTIES OR THEIR COUNSEL ON THIS 7th DAY OF June, 20 10.

By: [Signature]

Chair of Board of Arbitrators

* PLEASE NOTE:

IN ADDITION TO THE SIGNATURES, ARBITRATORS MUST TYPE IN OR PRINT THEIR NAMES BELOW EACH LINE AND INSERT ADDRESSES. THE CHAIR SHALL INSERT THE PRESENT ADDRESSES OF LITIGANTS IN THE CAPTION WHEN NOT REPRESENTED BY COUNSEL AND ALSO CHECK ONE OF THE BOXES BELOW.

PLEASE PICK UP EVIDENCE AT ADR OFFICE WITHIN 30 DAYS OF DATE AWARD FILED.

INDICATE TYPE OF ACTION: ☐ MOTOR VEHICLE ☐ TORT ☒ CONTRACT ☐ OTHER



MICHAEL E REARDON CO LPA
7251 ENGLE RD STE 401
CLEVELAND, OH 44130-3400

Page 2 of 4
Account Number 440 239-1109 010 9
Billing Date May 7, 2011

Invoice Number 440239110905

Calls for 440-239-1326

Domestic

| No. | Date | Time | Place Called | Number | Code | Min | Amount |
|-----|------|-------|---------------|-----------------|------|------|--------|
| 25 | 3-23 | 1127A | PATCHOGUE | NY 631 687-3889 | D | 0:43 | .06 |
| 26 | 4-06 | 1100A | CLOSTER | NJ 201 767-5029 | D | 0:38 | .06 |
| 27 | 4-11 | 338P | THOUSAND OAKS | CA 805 379-8530 | D | 2:05 | .18 |

Subtotal Domestic Calls for 440-239-1326

.30

Total Domestic Calls for 440-239-1326

.30

Total Calls for 440-239-1326

.30

Total Call Charges

7.53

Surcharges and Other Fees

28. Fed Universal Service Fund

.13

29. Federal Regulatory Fee

.02

Total Surcharges and Other Fees

.15

Taxes

30. Federal

.00

31. State

.42

32. Municipal

.17

33. Non Home State

.00

Total Taxes

.59

**ARSI**

AMERICAN RECOVERY SERVICE INCORPORATED

Corporate Headquarters
 555 St. Charles Drive, Suite 100
 Thousand Oaks, California 91360
 Phone: 805-379-8500
 Fax: 805-379-8530

October 19, 2011

Michael Lyon
 1480 W Bagley Rd # 5
 Berea, OH 44017-2951

11062774

Re: American Express
 Reference Number: 1008
 ARSI Reference Number: 11062774
 Balance Due: \$63619.65

IMPORTANT SETTLEMENT OFFER

RE: Your Past Due Account with American Express

We have previously notified you of the past due balance of \$63619.65 that has been placed with our office by American Express.

The above referenced matter is an outstanding court-ordered judgment against you on your American Express account. We understand that you may be having difficulties paying this amount, and we would like to work with you to come to a solution.

Our client has authorized this office to tender an offer to settle this matter for 40% of the current balance owing. This matter will be settled and considered paid in full upon receipt of 40% of the current balance.

Upon receipt and clearance of your final payment, our office will forward your file to our Attorney so that they may file a Satisfaction of Judgment.

This is a time sensitive matter requiring your immediate acceptance. This offer will become null and void 10 days from the date of this letter should you fail to accept. We are not obligated to renew this offer. If you would like to take advantage of this opportunity please contact American Recovery Service Inc. today at 888-395-2774.

This notice has been sent by a collection agency. This is an attempt to collect a debt; any information obtained will be used for that purpose.

Sincerely,

Chase Bryan
 Unit Manager

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

-----Detach and Return-----

555 St. Charles Drive, Suite 100
 Thousand Oaks, CA 91360
 Return Service Requested

To pay by credit card, please complete the following:Check one: ☐ Visa ☐ MasterCard ☐ Discover

Card Number: _____

CNP code from back of card: _____

Expiration Date: ____/____/____ Payment Amount: \$ _____

Signature: _____

Print Name on Card: _____

Michael Lyon
 1480 W Bagley Rd # 5
 Berea, OH 44017-2951
 11062774

American Recovery Service Incorporated
 555 St. Charles Drive, Suite 100
 Thousand Oaks, CA 91360

Plaintiffs Exhibit C